

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena Headquarters -- 1420 East 6th Avenue
Helena, MT 59620
June 12, 2003

Commission Members Present: Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; John Lane; Mike Murphy.

Fish, Wildlife & Parks Staff: Jeff Hagener, Director; Department personnel.

Guests: John Borgreen, Great Falls Shooting Sports Complex; Jim Panagopoulos, Great Falls Shooting Sports Complex; Worth Nixon; Marty Lau, Pheasants Forever and Ducks Unlimited; Neven and Debrah Zigg; Larry Copenhaver; Montana Wildlife Federation; Mike Hedrick, CM Russell Wildlife Management Area; Mable Deane, MSHA; Sanford Shrout, MSHA; Dave Gaillard, Predator Conservation Alliance; Bill Holdorf, Skyline Sportsmen; Evaleen Starkel, MT Department of Livestock; Don Nickman, PPSA; Mary Ellen Schnur, MOGA; Eldon O'Neil; John Wilson, Montana Trout Unlimited; James Halseth, Montana Trappers Association; Charles Shanetelter, MTA; E. J. Hebbe III, MTA; John Hughes, MTA and rancher; Wayne Moore, MTA.

Topics of Discussion:

1. Opening - Pledge of Allegiance
2. Approval of May 8, 2003 Commission Minutes
3. Approval of June 3, 2003 Conference Call Minutes
4. Approval of Commission Expenses through May 31, 2003
5. Great Falls Shooting Sports Complex Lease Agreement - (Beckman Property) - Final
6. Home Run Pond Children's Fishing Pond in Glasgow - Final
7. Blacktail Meadows Children's Fishing Pond in Dillon - Final
8. Froedart Malt Company Water Leasing Agreement - Tentative
9. Sappington Bridge FAS Permit From MDT to FWP - Final
10. 2003 Moose, Sheep & Goat Quota - Final
11. 2003 Lion Seasons & Quotas - Final
12. 2003 Upland Game Bird Seasons - Final
13. 2004 Moose & Sheep Auction Rules - Final
14. Scoping Late Season Waterfowl Seasons/Closures - Informational
15. 2003 Deer, Elk & Antelope Quotas - Tentative
16. 2003/2004 Furbearer Quotas - Tentative
17. 2003 Early Season Migratory Bird Regulations - Tentative
18. Potential Rule - 2nd Elk Tag (SB122) - Tentative
19. Chronic Wasting Disease Biennial Rule for Carcass Movement - Tentative
20. Blackfoot Clearwater WMA Lease - Final
21. Green Meadow Game Preserve Rule Repeal - Tentative
22. Citizen's Open Comment Period

1. Opening - Pledge of Allegiance. Chairman **Dan Walker** called the meeting to order at 8:08 and led the Pledge of Allegiance.

2. Approval of Commission Minutes.

Action: Lane moved and Brenden seconded the motion to approve the minutes of the May 8, 2003, meeting. Motion carried.

3. Approval of Commission Conference Call Minutes.

Action: Brenden moved and Murphy seconded the motion to approve the minutes of the June 3, 2003 Conference Call meeting. Motion carried.

4. Approval of Commission Expenses through May 31, 2003.

Action: Lane moved and Murphy seconded the motion to approve the Commission expenses through May 31, 2003 as presented. Motion carried.

5. Great Falls Shooting Sports Complex Lease Agreement - (Beckman Property) - Final. **Mike Aderhold, FWP Region 4 Supervisor**, stated that the Commission previously approved the sale of 27 acres of Giant Springs Heritage State Park land to the Forrest Service for the Lewis & Clark Interpretive Center of which Wildlife Restoration Act and Land and Water Conservation monies were involved. As Federal requirements compel FWP to reinvest money from that sale, it was invested in 600 acres north of the Interpretive Center for the purpose of a community shooting range. Since that purchase, a board of directors has been elected, bylaws have been established, meetings have been held, and FWP is now offering a long-term lease for planning and construction of shooting ranges.

Aderhold introduced Jim Panagopoulos and John Borgreen of the Great Falls Shooting Sports Complex. When **Walker** asked why the layout had changed since the proposal, **Panagopoulos** replied that the original proposal had merely been preliminary ideas. He stated that the communication towers are not of concern as far as being in the line of fire, and that Three Rivers Communications, and companies who lease space from them, has expressed no concerns other than to request that the public range be baffled or set into the hillside to minimize any projectiles hitting the towers. He also stated that they have a letter of agreement with Three Rivers. **Brenden** asked if the group has insurance. **Panagopoulos** replied that they anticipate having insurance by the end of the month.

Aderhold explained that this area has been an informal shooting area for many years, and now would be a supervised range with shooting protocol. **Panagopoulos** said there will be a locked gate to maintain controlled access.

Action: Lane moved and Murphy seconded the motion to approve the Department's recommendation to enter into a no-cost, 50 year lease agreement between FWP and the Great Falls Shooting Sports Complex, Inc. for management and operation of a community shooting range. Motion carried.

6. Home Run Pond Children's Fishing Pond in Glasgow - Final. **Mac Minard, FWP Fisheries Division Assistant Administrator**, said Home Run Pond is a newly constructed pond and has just recently opened. Since it's inception, the pond was proposed as a children's fishing water. The community requests it be designated as a Children's Fishing Pond.

*Action: **Brenden** moved and **Lane** seconded the motion to approve the Department's recommendation to designate Home Run Pond as a year round Children's Fishing Pond open to children 14 years of age and under. Motion carried.*

7. Blacktail Meadows Children's Fishing Pond in Dillon - Final. **Minard** said that FWP acquired Blacktail Meadows Pond in 2002 through a donation by the C. W. Swenson family. The Dillon community requests it be designated as a Children's Fishing Pond. *Action: **Mulligan** moved and **Brenden** seconded the motion to designate Blacktail Meadows Pond for inclusion in the 2003 fishing regulations under Children's Fishing Waters and under the Central Fishing District Special Regulations. Motion carried.*

8. Froedtert Malt Company Water Leasing Agreement - Tentative. **Minard** said this is a request for approval for a 1,200 gallon per minute (gpm) water lease from Giant Springs Hatchery, and a land use agreement between FWP and Froedtert Malting Company. FWP currently holds a 16,000 gpm water right from Giant Springs for the fish hatchery, and the Fisheries Division feels the 1,200 gpm can be accommodated through some adjustments. **Minard** said there would be little or no noticeable impact to the angling public.

In order to free up the 1,200 gpm the malting company needs, FWP would have to reduce maximum usage from 16,000 gpm to 14,800 gpm. **Minard** explained that this can be accomplished by reducing the pounds of fish produced between March and June. More small fish would be produced earlier in the season for spring stocking and take them offsite, and fish would be held for a longer period of time to allow them to grow larger for fall stocking. Fisheries Division has contemplated this type of production even before this proposal came forward. **Minard** said it was conceivable that FWP hold a number of fish for a longer period of time to produce larger fish for the fall rather than produce numerous small fish. He said the ultimate volume is dependent on how much water is available.

Minard said there are two issues to consider. The first is the negotiation of a water lease for a 10-year period, with a 10-year possible renewal, and the second issue is the negotiation of use of the infrastructure to move this water. Froedtert will need to get water from the spring to FWP's wet well, from the wet well across state property, and ultimately to their plant.

Walker asked if feeding costs would be affected. **Minard** said it would be impacted to some extent because some fish will be held longer. He said this project isn't inconsistent with the funding request that was approved by the legislature for increased operations expenses, therefore funding already exists to accommodate this proposal.

Murphy asked if an amount had been determined to pay for the term lease, and what the actual term of the lease would be. **Minard** said the term is prescribed by law, it cannot be longer than ten years with an option for a 10 year renewal. **Minard** said Froedtert might very well look for their own water rights in the future. He said there has been no formal discussion on what the amounts would be regarding the two elements involved; the value of the water, and the value of the infrastructure. **Hagener** added that FWP is looking at offsetting some of the Department's costs. He stated that FWP is not the sole water rights holder in Giant Springs; the City of Great Falls and Giant Springs Source also have water rights. **Hagener** stated that FWP's water rights are non-consumptive, meaning the water has to be returned to the river, therefore the portion Froedtert would obtain from FWP would eventually have to be returned to the river. Froedtert will need some consumptive water so they will need to find an additional source, and he believes they are attempting to obtain it from the City

Action: Lane moved and Murphy seconded the motion to approve the Department's tentative recommendation to pursue the water lease between FWP and Froedtert Malting Company for 1,200 gallons per minute, and the necessary land agreement to facilitate that water lease. Motion carried.

9. Sappington Bridge FAS Permit From MDT to FWP - Final. Pat Flowers, FWP Region 3 Supervisor, said that prior to this year, FWP had managed a 7-acre site at Sappington Bridge through an agreement between FWP and a private landowner. With the sale of the property, the new landowner cancelled the agreement, forcing closure of the bridge site. Montana Department of Transportation (MDT) recently replaced the steel bridge, and the highway right-of-way was fenced to prevent access to the river from the highway. MDT has agreed to provide a half-acre recreation site permit for a 10 year period, at no cost, to provide a managed fishing access site adjacent to the previous site. MDT will allow parking under the bridge throughout most of the year as they have expanded the right of way. FWP will be required to install a fence along the west boundary to insure that vehicles use the designated approach. There will not be a concrete boat ramp. **Flowers** said that since there are no significant changes in use or management of the site, no MEPA review was necessary. **Flowers** said this is a popular site, and if this proposal is approved, it should be reopened in 2 – 4 weeks.

Action: Mulligan moved and Murphy seconded the motion to approve the Department's recommendation to enter into a 10 year Recreation Site Permit with the Montana Department of Transportation at the new Sappington Bridge Fishing Access Site. Motion carried.

10. 2003 Moose, Sheep & Goat Quota - Final. Presented by **Don Childress, FWP Wildlife Administrator** and **Jeff Herbert, FWP Wildlife Assistant Administrator**.

MOOSE - FINAL

Herbert said there are no changes to the tentatives for Regions 1 - 5.

Action: Murphy moved and Lane seconded the motion to approve the moose quotas as recommended by the Department. Motion carried.

BIGHORN SHEEP - FINAL

Region 1 -- Herbert said there are two proposed quota changes to the Region 1 tentatives.

District 122-00 -- Either Sex - increase the quota from 5 to 6

District 122-30 -- Adult Ewe - increase the quota from 2 to 8

Action: Murphy moved and Mulligan seconded the motion to approve the Region 1 Bighorn Sheep quotas as recommended by the Department (reflecting that District 124-00 remains at 7 Either Sex licenses). Motion carried.

Region 2 -- Herbert said there are two proposed quota changes to the Region 2 tentatives.

District 210-00 -- Either Sex - decrease the quota from 10 to 4

District 283-30 -- Adult Ewe - increase the quota from 2 to 4

Action: Murphy moved and Mulligan seconded the motion to approve the Region 2 Bighorn Sheep quotas as recommended by the Department. Motion carried

Region 3 -- Herbert said there are no proposed quota changes to the Region 3 tentatives.

Action: Mulligan moved and Murphy seconded the motion to approve the Region 3 Bighorn Sheep quotas as recommended by the Department. Motion carried

Region 4 -- Herbert said there is one proposed quota change to the Region 4 tentatives.

District 422-00 -- Either Sex - decrease the quota from 7 to 5

Action: Lane moved and Murphy seconded the motion to approve the Region 4 Bighorn Sheep quotas as recommended by the Department. Motion carried

Region 5 -- Herbert said there are no proposed quota changes to the Region 5 tentatives.

Action: Walker moved and Lane seconded the motion to approve the Region 5 Bighorn Sheep quotas as recommended by the Department. Motion carried

Region 6 - Herbert said there are no proposed quota changes to the Region 6 tentatives.

Action: Brenden moved and Lane seconded the motion to approve the Region 6 Bighorn Sheep quotas as recommended by the Department. Motion carried

MOUNTAIN GOATS - FINAL

Herbert said there are no proposed quota changes to the Region 1-5 tentatives.

Action: Lane moved and Brenden seconded the motion to approve the Mountain Goat quotas as recommended by the Department. Motion carried.

11. 2003 Lion Seasons & Quotas - Final.

Regions 2, 5, 6, and 7 -- Herbert said there are no proposed quota changes to the Region 2, 5, 6, and 7 tentatives.

Action: Brenden moved and Lane seconded the motion to approve the Region 2, 5, 6, and 7 Mountain Lion quotas as recommended by the Department. Motion carried

Region 1 -- Herbert said there are no proposed quota changes to the Region 1 tentatives. **Walker** said he has received letters from people in the Libby area regarding perceived depredation, and threats to the public by lions. **Jim Williams, Region 1 Wildlife Manager**, said he has received comments on quotas, but has not heard of any threats toward the public. He said there is a no tolerance policy for lions that threaten people at their homes. These lions are not considered in the quota totals.

Williams told the Commission that interests in District 103 are divided into two segments. One segment wants the quota to remain at 4, while the other segment wants the quota raised to 6. **Walker** invited the audience to comment.

Neven Zugg, an outfitter from Libby, said he thinks there are too many lions in the area, and to lower the quota is ludicrous. He said that just because tracks aren't readily seen doesn't mean lions aren't there. He said FWP needs to listen to the general public as well as the houndsmen and special interest groups.

Don Clark, Libby, asked about the results of the survey in District 103. **Herbert** said they have not culminated the results yet. Clark said there are not a lot of cats in District 103, and he wants to see the population come back.

Worth Nixon, Libby, said there is a lack of cats in District 103, and that outfitters need to cut back. Reducing the quota to 4 may help in populating them again; he urges the Commission to finalize the quota at 4 lions.

Murphy asked **Williams** if any adjoining districts are noticing a lower number of lions, and if **Williams** has an idea of why there aren't as many cats as before. **Williams** said the original proposal for 6 cats was for the Salish Mountains where he had been hearing that there is a lack of cats. He feels the populations are stronger to the south. **Mulligan** asked if livestock depredation is a problem. **Williams** replied that depredation problems are due mostly to wolves. **Walker** asked **Williams** what his recommendation was. **Williams** said the original recommendation was 6 lions, but based on public comment, it was changed to 4.

*Action: **Murphy** moved and **Mulligan** seconded the motion to approve the Region 1 Mountain Lion tentative quotas as recommended by the Department, with the exception of increasing the quota in District 103 from the proposed 4 to 5.*

Discussion: **Murphy** said that he feels this is a compromise between the 6 that the Department recommends and what the houndsmen suggest. **Walker** agreed that it is, but said technically this is not what the sportsmen asked for. **Brenden** added that balance is what FWP is trying to achieve. **Walker** directed the Commission to make two separate motions regarding Region 1 quotas. The first in respect to the modification to District 103, and the second in respect to the entire Region 1 recommendations reflecting the change to District 103.

*Action: **Murphy** amended his motion to reflect only the change in District 103. He moved to increase the tentative quota in District 103 from the proposed 4 lions to 5 lions. **Mulligan** seconded. 3 Commissioners in favor and 2 opposed (**Brenden** and **Walker**). Motion carried.*

*Action: **Murphy** moved and **Walker** seconded the motion to approve the Region 1 Mountain Lion tentative quotas as recommended by the Department, with the increase in District 103 from 4 to 5. Motion carried.*

Region 3 -- Herbert read through the proposed changes to the tentatives.

District 312 & 393 -- Reduce total quota from 10 to 8 - (4 females / no males)

District 313 & 316 -- Reduce female quota from 2 to 1

District 314 -- Reduce total quota from 6 to 4, reduce female quota from 2 to 1

District 315 -- Reduce total quota from 5 to 4, reduce female quota from 3 to 2

District 317 -- Reduce total quota from 6 to 4, reduce female quota from 2 to 1

District 319 & 341 -- Reduce female quota from 3 to 2

District 320 & 333 -- Reduce female quota from 3 to 2

District 322, 326 & 330 -- Reduce female quota from 3 to 2

District 331 -- Reduce total quota from 7 to 4, eliminate male quota (may equal total quota)

District 335, 339 & 343 -- Reduce total quota from 8 to 7 (5 in tentatives), reduce female quota from 5 to 3 (2 in tentatives)

District 340 -- Reduce total quota from 5 to 3, reduce female quota from 4 to 1

District 318 & 350 -- Reduce total quota from 6 to 5, reduce female quota from 3 to 1, eliminate male quota (may equal total quota)

District 370 & 380 -- Reduce total quota from 14 to 10, reduce female quota from 6 to 2, eliminate male quota (may equal total quota)

District 390, 391 & 392 -- Reduce total quota from 15 to 11, reduce female quota from 7 to 2, eliminate male quota (may equal total quota)

Murphy asked why these recommendations were not brought before the Commission as tentatives prior to this meeting. **Mulligan** said that due to management changes in Region 3, **Kurt Alt, new Region 3 Wildlife Manager**, had needed time and opportunity to meet with the local sportsmen in his area. **Alt** said there had never been a houndsmen meeting held, and they were becoming vocal. **Mulligan** said the feedback he has received supports the action proposed today.

*Action: **Murphy** moved to increase the quotas in District 335, 339 & 343 to 7 and 3. **Mulligan** seconded the motion. Motion carried.*

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the final Region 3 quotas as amended. Motion carried.*

Region 4 -- Herbert said there is one proposed change to the tentatives in Region 4.

District 422, 423, 424, 425 & 442 -- Reduce total quota from 15 to 12, female quota from 5 to 2

*Action: **Lane** moved and **Murphy** seconded the motion to approve the Region 4 Mountain Lion quotas as recommended by the Department. Motion carried.*

Mulligan asked about the wording on lion licenses that the Department was going to review. **Hank Worsch, FWP License Bureau Chief**, showed the Commissioners a license from previous years. He said it currently it says "the 2003 Mountain Lion Season", but does not give the dates. On the bottom of the license it says "see regulations for the 2003 season".

12. 2003 Upland Game Bird Seasons - Final. **Herbert** read through the proposed changes to the tentatives which are based on public comment.

Prairie Grouse and Partridge	-- September 1 - December 15 for Sharp-tailed Grouse and Partridge
	-- September 1 - November 1 for Sage Grouse
Mountain Grouse	-- No change from tentatives
Ring-necked Pheasants	-- 2003 Season - October 11 - December 15
	-- Non-Residents - October 13 - December 15
	Standardized opening date is the Saturday preceding the second Sunday in October - pheasants open on Saturdays, antelope opens on Sundays.
Wild Turkey	-- September 1 - December 15 with a bag limit of one wild turkey, either sex with no exceptions.

Herbert said Ring-necked Pheasants had three issues: A standardized opening date that would link to the Antelope opening date, a proposal to remove the 2-day delay for the non-resident opener, and a proposal to have a youth day on the first day of the season.

Prairie Grouse and Partridge

*Action: **Brenden** moved and **Mulligan** seconded the motion to approve the recommendations for prairie grouse and partridge season as proposed, with the directive that FWP look into extending season for 2 -3 weeks. Motion carried.*

Mountain Grouse - **Herbert** said there were no proposed changes to the tentative.

Action: Mulligan moved and Lane seconded the motion to approve the Mountain Grouse season as proposed. Motion carried.

Ring Necked Pheasants

Brenden said he was very much in favor of setting a fixed opening date for this season.

Action: Brenden moved that pheasant season opening be on the second Saturday in October every year (this year October 11 - December 15) and end in December, and remove the two day set back on nonresident hunting. Walker amended the opening date to be the Saturday preceding the 2nd Sunday. Murphy seconded.

Discussion: **Walker** and **Herbert** said that the intent is to link it to antelope opening – the Saturday preceding antelope season opening. **Mulligan** said he feels the recommendations should come from the Upland Bird Advisory Council.

Action on the motion: 4 Commissioners in favor and 1 opposed (Mulligan). Motion Carried.

Wild Turkeys - **Herbert** said there is one change to the tentatives.

September 1 - December 15 with a bag limit of one wild turkey, either sex with no exceptions. There is no change in season dates, and the proposal to allow the taking of two birds in Region 7 was withdrawn.

Action: Mulligan moved and Murphy seconded the motion to approve the recommendations for Wild Turkeys as proposed. Motion carried.

Walker asked if the FWP calendar for tentatives, applications, season setting dates, etc could be revamped. He asked that this be reviewed, and utilize the ALS system any way possible.

13. 2004 Moose & Sheep Auction Rules - Final. Jeff Herbert said there are no changes to the tentatives previously presented. These same rules have been in place in prior years and have generated substantial revenue. He said the Request for Proposal was open to organizations and individuals with a deadline of July 15, 2003. FWP recommends adoption of the tentatives as final.

Action: Walker moved and Lane seconded the motion to approve the Department's recommendations for the final 2004 auction rules. Motion carried.

14. Scoping Late Season Waterfowl Seasons/Closures - Informational. **Herbert** said the late season waterfowl regulations are set in August and finalized in September. He said there is a change the Commissioners should be aware of. The Fish & Wildlife Service has a waterfowl production area generally open to hunting on the north end of Flathead Lake. The Service has decided to drop the closure that was in place on the closed portion, so FWP proposes to eliminate the closure from the list of closures in the late season regulations.

Herbert said another item of information concerns the Lake Helena closure. Lake Helena has an area on the south part of lake that encompasses both water and land area, and there have been problems with marking the closure points. FWP is developing a management plan for Lake Helena.

Walker said he reviewed the draft of predictions for duck season, and asked if production is still on the borderline or is it looking more positive? **Herbert** said if projections had been made in January, FWP would have definitely designated a more restrictive package based on population numbers and pond counts, but with improved water conditions, a liberal package or possibly a moderate package may be designated. Herbert hasn't heard yet any preliminary estimates of the surveys to know what the Mallard populations are. Walker said the Service will make that advice to the State on August 27-28. A conference call will be held, and bag limits for waterfowl will be set, based upon how they judge it as liberal, moderate, or restrictive. If it's liberal, FWP sets one bag limit, if its moderate there is another, and if its restrictive there is yet a third.

15. 2003 Deer, Elk & Antelope Quotas - Tentative.

DEER

Regions 1, 2, and 7 -- Herbert said there are no proposed quota changes in Regions 1, 2, and 7.

Murphy moved and Mulligan seconded the motion to approve the deer quotas in Regions 1, 2 and 7 as recommended by the Department. Motion carried.

Region 3 -- Herbert said there are no proposed changes to Region 3. Mulligan recommended the following changes.

District 320-00 -- Increase Antlerless Whitetail B licenses from 100 to 150

District 333-00 -- Increase Antlerless Whitetail B licenses from 150 to 175

Action: Mulligan moved and Murphy seconded the motion to approve the tentative deer quotas as presented by the Department with the amendments to increase antlerless whitetail B licenses in District 320-00 from 100 to 150 and District 333-00 from 150 to 175. Motion carried.

Region 4 -- Herbert said there is one proposed change to Region 4.

District 421-00 -- Increase Antlerless Mule Deer B licenses from 75 to 100

Action: Lane moved and Murphy seconded the motion to approve the Region 4 tentatives as recommended by the Department. Motion carried.

Region 5 -- Herbert said there are four proposed changes to Region 5.

District 502-00 -- Decrease Antlerless Mule Deer B licenses from 300 to 50

District 530-50 -- Increase Antlered Buck Mule Deer from 450 to 650

District 575-00 -- Decrease Antlerless Mule Deer from 1000 to 500

District 599-00 -- Increase Antlerless Whitetail B licenses from 1200 to 1600

Action: Walker moved and Brenden seconded the motion to approve the Region 5 tentatives as proposed by the Department. Motion carried.

Region 6 - Herbert said there are eight proposed changes to Region 6.

District 600-00 -- Increase Antlerless Mule Deer B licenses from 50 to 100

District 630-00 -- Increase Antlerless Mule Deer B licenses from 100 to 300

District 650-00 -- Increase Antlerless Mule Deer B licenses from 100 to 200

District 652-50 -- No change - remain at 100

District 652-00 -- Increase Antlerless Mule Deer B licenses from 50 to 75

District 670-00 -- Increase Antlerless Mule Deer B licenses from 50 to 200

District 680-00 -- Increase Antlerless Mule Deer B licenses from 100 to 200

District 698-00 -- Increase (non-resident) Antlerless Whitetail B licenses from 500 to 750

District 699-00 -- Increase (resident) Antlerless Whitetail B licenses from 500 to 750

Action: Brenden moved and Murphy seconded the motion to approve the Region 6 tentatives as proposed by the Department. Motion carried.

ELK

Region 1 -- Herbert said there is one proposed change.

District 121-00 -- Increase Antlerless Elk permits from 225 to 450

Action: Murphy moved and Lane seconded the motion to approve the Region 1 tentatives as proposed by the Department. Motion carried.

Region 2 -- Herbert said there are four proposed changes.

District 200-01 -- Increase Antlerless Elk permits from 25 to 50

District 281-00 -- Increase Antlerless Elk permits from 150 to 250

District 282-70 -- Increase A-7 Antlerless Elk licenses from 50 to 75

District 285-70 -- Increase A-7 Antlerless Elk licenses from 100 to 200

Action: Murphy moved and Mulligan seconded the motion to approve the Region 2 tentatives as proposed by the Department. Motion carried.

Region 3 -- Herbert said there are two proposed changes, both relating to District 313.

District 313-00 -- Decrease late season Antlerless Elk permits from 2080 to 1400

District 313-11 -- Decrease late season Brow Tine Bull or Antlerless Elk permits from 105 to 90

Mulligan asked **Kurt Alt, FWP Region 3 Wildlife Manager**, and **Tom Carlsen, FWP Wildlife Biologist**, to discuss District 380 concerning the Elkhorn hunting season proposal. **Alt** said the Elkhorn working group did not meet until last Tuesday. He said Carlsen has worked up information from last year, and they wanted to present this information to that group to share ideas and build a level of trust. He said it was important that this information was presented to them first. He said Carlson's recommendations were as follows:

District 380-00 - reduce Antlerless Elk from 200 to 75

District 380-20 - reduce Either Sex Elk from 125 to 50

District 380-01 - reduce Antlerless Elk from 75 to 25

District 380-02 - reduce Antlerless Elk from 75 to 25

District 380-70 - reduce Antlerless Elk from 200 to 75

Alt said this reduction is to direct populations to manage at the low end of the population objective in the Elk Plan. The working group agreed that FWP needs to manage for the low end of the population objective range which is 1800-2200. The working group wants FWP to manage for 1800, which is where Carlsen's recommendations are. **Alt** added that it is important for Carlsen to work with the working group. **Mulligan** corroborated **Alt's** statement that the working group, which includes landowners, agreed to these recommendations. **Walker** asked if it is it wise to make these changes at this time since a new Elk Plan is being developed. **Mulligan** stated he did not think this would be a problem. He feels that by presenting these numbers as tentative proposals, the comment period should indicate what needs to be done at the finals. **Carlsen** said that calf production was low last year. Discussion followed on various issues concerning the Elkhorns.

Walker asked about HD311-20 and 311-21 – are those late season hunts? **Alt** said yes they are associated with the Flying D land 311-00, and they are highly sought after permits. **Walker** recommended they increase those from 1 to 4. **Alt** said they are based on landowner permission so he needs to visit with landowners to see if they will grant access.

Action: Walker moved and Brenden seconded the motion to increase the quota on District 311-20 and District 311-21, late season Either Sex Elk permits on the Flying D and adjacent lands for youths with disability and for youth only, from 1 to 4 in each district. Motion carried

Walker said he also would like to see an increase in the quota in District 362-11.

Action: Walker moved and Brenden seconded the motion to increase the quota in District 362-11, a late season Brow-tined Bull or Antlerless Elk permit, from 4 to 8. Motion carried.

Action: Mulligan moved and Lane seconded the motion to approve the Region 3 tentatives as proposed by the Department, including the amendments to HD380-00, 380-20, 380-01, 380-02, and 380-70. (District 380-00 - reduce Antlerless Elk from 200 to 75, District 380-20 - reduce Either Sex Elk from 125 to 50, District 380-01 - reduce Antlerless Elk from 75 to 25, District 380-02 - reduce Antlerless Elk from 75 to 25, District 380-70 - reduce Antlerless Elk from 200 to 75).

Discussion: **Murphy** said he is not in support of this significant decrease. **Brenden** said he concurs with Murphy. **Walker** said this is the tentative process at this point, and said he will reluctantly support this. **Mulligan** encouraged the Commissioners to get involved with the Elkhorn working group.

Action on Motion: Three in favor and two opposed (Murphy and Brenden). Motion carried.

Action: Mulligan moved and Lane seconded the motion to approve the Region 3 tentative quotas as proposed by the Department and as amended. Three in favor and two opposed (Brenden and Murphy). Motion carried.

Region 4 -- Herbert presented 11 changes.

District 411-00 -- Increase Antlerless Elk permits from 50 to 100

District 417-01 -- Increase Antlerless Elk permits from 60 to 250

District 417-20 -- Increase Either Sex Elk permits from 40 to 75

District 442-General -- Decrease Brow-tined Bull or Antlerless Elk Quota from 400 to 200

District 445-20 -- Decrease Either Sex Elk permits from 50 to 40

District 446-00 -- Increase Antlerless Elk permits from 300 to 500

District 448-00 -- Decrease Antlerless Elk permits from 400 to 250

District 450-00 -- Increase Antlerless Elk permits from 30 to 60

District 452-00 -- Increase Antlerless Elk permits from 15 to 35

District 454-00 -- Increase Antlerless Elk permits from 15 to 45

District 455-20 -- Decrease Either Sex Elk permits from 75 to 70

Action: Lane moved and Walker seconded the motion to approve the Region 4 tentative Elk quotas as proposed by the Department. Motion carried.

Region 5 -- Herbert said there are no proposed changes to Region 5 tentatives.

Action: Walker moved and Lane seconded the motion to approve the Region 5 tentative Elk quotas as proposed by the Department. Motion carried.

Region 6 -- Herbert presented 3 proposed changes to Region 6.

District 631-00 -- Increase Antlerless Elk from 55 to 65

District 631-20 -- Decrease Either Sex Elk from 30 to 20

District 632-20 -- Decrease Either Sex Elk from 15 to 10

Action: Brenden moved and Walker seconded the motion to approve the Region 6 tentative Elk quotas as proposed by the Department, with the amendment that District 631-20 remain at 30, and District 632-20 remain at 15. Motion carried.

Region 7 -- Herbert said there are no proposed changes to Region 7.

Action: Walker moved and Brenden seconded the motion to approve the Region 7 tentative Elk quotas as proposed by the Department. Motion carried.

ANTELOPE

Herbert said quota proposals are being deferred until surveys are completed later in the summer. However, there is one proposed change to Region 5, and that is to add District 510-00 to the list of districts noted for the purpose of potentially offering one additional doe/fawn antelope permit to either sex permit holders. **Walker** said he would like that same concession extended to Region 7.

Walker moved and **Mulligan** seconded the motion to add District 510-00 to the list of Districts that are noted for the purpose of potentially offering one additional doe/fawn antelope permit to either sex permit holders. in Region 5. Motion carried.

Walker asked if there were any alternative to offer additional special antelope licenses to disabled persons as statutory regulations have set the cap at 25. He requested the Department to look into this issue.

16. 2003/2004 Furbearer Quotas - Tentative. Herbert presented the proposed quota tentatives.

Beckman Wildlife Management Area - Region 4. He said FWP needs to insert in the Special Regulations Section of the Furbearer regulations, a notice that indicates one trapper will be selected by a random draw to trap on Beckman WMA. Beckman WMA is open to one trapper per trapping season, and permitted to trap furbearers and predators, and most access is by foot. No trapping is allowed until the end of the Upland Gamebird season. This discussion was tabled until the Furbearer Season Setting process in 2004.

Otter - Region 2 - **Herbert** said there is one proposed change for otter quota in Region 2.

Region wide - Increase quota from 13 to 18.

Action: Walker moved and Murphy seconded the motion to approve the Region 2 tentative otter quotas as proposed by the Department. Motion carried.

Bobcats - Region 3 - **Herbert** said there are no proposed changes.

Mulligan moved and Murphy seconded the motion to increase the Region 3 bobcat quota from 175 to 200, adding that the Department must close the season earlier. Motion carried.

Tagging of bobcats was discussed at length.

Fisher - **Herbert** said there are no proposed changes for the Fisher quotas.

Brenden moved and Lane seconded the motion to approve the tentative Fisher quota proposals as proposed by the Department reflecting no changes. Motion carried.

Beaver -

Beaver damage permits were discussed by persons in the audience and FWP representatives. Some feel permits are difficult to obtain due to verification processes by FWP, and that the process to obtain them needs to be standardized. **John Ramsay, FWP Enforcement**, explained that it is a legal responsibility to verify the need for permits in order to maintain a control over the beaver population. Beaver must be taken by trapping only, and by permit if out of season. Adjusting the length of the season was discussed, as was the definition of damage. Season dates are not in the statute.

Alt said some trappers get paid to trap beavers for people who are having problems. They recognize the permit goes to the landowner and not to the trapper.

Walker asked that FWP check into the regulations regarding verifications and the need for permits. Inquiry into other states processes was also suggested.

17. 2003 Early Season Migratory Bird Regulations - Tentative. **Herbert** said these tentative proposals are for Snipe, Morning Dove, and Sandhill Crane, however, at this time there are only proposed changes relative to Sandhill Cranes.

First, FWP proposes to increase the season in the Pacific Flyway from the current two 2-day weekend periods, to a continuous 9-day time period beginning on a Saturday (September 6 - 14, 2003).

Second, FWP proposes to modify quotas associated with the various units. Quota allocation is basically developed based on total population. The proposed quota changes are for the Dillon / Twin Bridges area – recommend 35 permits. Warm Springs and Ovando / Helmsville areas would remain the same, and the central flyway in Wheatland Count / Sweetgrass County unit would be 35 permits.

Action: Mulligan moved and Walker seconded the motion to approve the tentative recommendations as proposed by the Department.

Mulligan said the Dillon / Twin Bridges area has many birds but no access. He asked if the Department has explored the possibility of either enlarging or changing the area. **Herbert** said that in order to modify the hunt unit boundary, because it was done under an EA, FWP would need to open up the EA and readdress it. This process would need to be done prior to the March Flyway meeting as these get established at the Flyway level.

Action on motion: Motion carried.

Walker asked that FWP pursue this issue.

18. Potential Rule - 2nd Elk Tag (SB122) - Tentative.

Childress explained the SB122 included authority for issuance of a second elk licenses, and since big game regulations have been finalized, these must be implemented as A9 licenses.

Mulligan asked if its possible to use a local drawing as he is concerned all tags will not be used.. Childress said holding a local drawing would be “interesting” as an opportunity must be provided to a large amount of people. **Lane** said the assumption is that hunters will buy this tag before they hunt with their other permit. Childress said there are situations when this license will assist in the antlerless harvest.

Action: Brenden moved and Walker seconded the motion to approve the SB122 2nd Cow Elk Tag tentative as proposed by the Department. Motion carried.

19. Chronic Wasting Disease Biennial Rule for Carcass Movement - Tentative. **Childress** said that during this past legislative session, HB486 proposed regulations to approve importation of meats and carcasses that had CWD. That legislation did not pass. Childress said that although this may not totally protect Montana, it is a step in the right direction.

This rule is being proposed as an Annual Rule and will need to go through the ARM rule process. The proposed rule reads as follows:

It shall be unlawful to import dead deer or elk into the State of Montana from any other state or country which has diagnosed Chronic Wasting Disease in a wild animal, except for the following portions of the carcass:

1. Meat that is cut and wrapped
2. Quarters or other portions of meat with no part of the spinal column or head attached
3. Meat that has been boned out
4. Hides with no heads attached
5. Clean (no meat or tissue attached) skull plates with antlers attached
6. Antlers with no meat or tissue attached
7. Upper canine teeth, also known as “buglers”, “whistlers”, or “ivories
8. Finished head, partial body or while body mounts already prepared by a taxidermist

*Action: Walker moved and Brenden seconded the motion to direct the Department to initiate the rulemaking process for regulating the importation and movement of harvested deer and elk carcasses and parts from CWD areas. **Murphy** amended the rule to include the testing for importation of a head or skull or animal that has been certified CWD free. Motion carried.*

20. Blackfoot Clearwater WMA Lease - Final. **Childress** explained that FWP proposes to lease out the headquarters facility of the Blackfoot-Clearwater WMA to the adjacent ranch for 22 months in exchange for services that will enhance wildlife habitat and preserve property values on the WMA. The lease would begin June 15, 2003 and terminate April 30, 2005.

*Action: **Brenden** moved and **Lane** seconded motion to accept the proposal by the Department to enter into a Cooperative Management Agreement on the Blackfoot-Clearwater WMA with the Rich Ranch for the period of June 15, 2003 through April 30, 2005. Motion carried.*

21. Green Meadow Game Preserve Rule Repeal - Tentative. **Mike Korn, FWP** said FWP received a petition in 1997 to abandon the Green Meadow Game Preserve. After conducting the public hearing process, the Commission voted to abandon the preserve, effective March 1, 2002. Citizens expressed concerns of shooting in the area, which had become a residential area, if the preserve was abandoned. The Commission felt these concerns needed to be addressed by county ordinance. Local ranchers also expressed concern that there might be game damage issues. **Korn** said that this rule repeal formality is delinquent, however many people realized that FWP had indeed abandoned the preserve last year.

*Action: **Mulligan** moved and **Murphy** seconded the motion that FWP repeal ARM 12.9.203 pertaining to the abandonment of the Green Meadow Game Preserve. Motion carried.*

22. Citizen's Open Comment Period.

John Wilson, Conservation Director for MT Trout Unlimited, said that on behalf of their 3000 members, he wished to compliment the Department and Commission for their representation of the Department during the legislative session. He also complimented FWP on the Stream Access Law. He said TU is concerned that FAS are being looked at as state parks. He said anglers built them and maintain them, and there is Land and Water Conservation fund money in them as well. He asked FWP to be mindful of where FASs came from and where they may go in the future.

Meeting adjourned at 4:55 p.m.

Dan Walker, Chairman

M. Jeff Hagener, Director